

CIVIL COVER SHEET

JS 44C/SDNY
REV. 1/97

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of The United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet

PLAINTIFFS/APPELLANT
AutomodularDEFENDANTS/APPELLEE
Delphi Corporation, Inc.ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Eduardo J. Glas, Esq.
McCarter & English, LLP, 245 Park Avenue, 27th Floor
New York, New York 10167ATTORNEYS (IF KNOWN)
Kayalyn A. Marafioti, Esq. & Ron E. Meisler, Esq.
Skadden, Arps Slate, Meagher & Flom, LLP
Four Times Square, New York, New York 10036CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
Appeal from Order entered by Bankruptcy Court in Delphi Bankruptcy Case, Chapter 11, Case No. 05-44481 (RDD)Has this or a similar case been previously filed in SDNY at anytime? No? ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date

& Case No.

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

CONTRACT
☐ 110 INSURANCE☐ 120 MARINE
☐ 130 MILLER ACT☐ 140 NEGOTIABLE INSTRUMENT☐ 150 RECOVERY OF
OVERPAYMENT &
ENFORCEMENT OF
JUDGMENT☐ 151 MEDICARE ACT☐ 152 RECOVERY OF
DEFAULTED
STUDENT LOANS
(EXCL. VETERANS)☐ 153 RECOVERY OF
OVERPAYMENT OF
VETERAN'S BENEFITS☐ 160 STOCKHOLDERS
SUITS☐ 180 OTHER CONTRACT☐ 195 CONTRACT PRODUCT
LIABILITY

REAL PROPERTY

☐ 210 LAND CONDEMNATION☐ 220 FORECLOSURE☐ 230 RENT LEASE☐ & EJECTMENT☐ 240 TORTS TO LAND☐ 246 TORT PRODUCT☐ LIABILITY☐ 290 ALL OTHER
REAL PROPERTY

TORTS

PERSONAL INJURY

☐ 310 AIRPLANE
☐ 315 AIRPLANE
PRODUCT
LIABILITY☐ 320 ASSAULT LIBEL &
SLANDER☐ 330 FEDERAL
EMPLOYERS
LIABILITY☐ 340 MARINE☐ 345 MARINE PRODUCT
LIABILITY☐ 350 MOTOR VEHICLE
☐ 355 MOTOR VEHICLE
PRODUCT
LIABILITY☐ 360 OTHER PERSONAL
INJURY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

☐ 441 VOTING☐ 442 EMPLOYMENT☐ 443 HOUSING/
ACCOMMODATIONS☐ 444 WELFARE☐ 440 OTHER CIVIL
RIGHTS

PERSONAL INJURY

☐ 362 PERSONAL INJURY
MED. MALPRACTICE☐ 365 PERSONAL INJURY
PRODUCT LIABILITY
☐ 368 ASBESTOS PERSONAL
INJURY PRODUCT
PRODUCT
LIABILITY

PERSONAL PROPERTY

☐ 370 OTHER FRAUD
☐ 371 TRUTH IN LENDING☐ 380 OTHER PERSONAL
PROPERTY DAMAGE
☐ 385 PROPERTY DAMAGE
PRODUCT LIABILITY

PRISONER PETITIONS

☐ 510 MOTIONS TO
VACATE
SENTENCE
20 USC 2255☐ 530 HABEAS CORPUS☐ 535 DEATH PENALTY
☐ 540 MANDAMUS
& OTHER☐ 550 CIVIL RIGHTS☐ 555 PRISON CONDITION

FORFEITURE/PENALTY

☐ 610 AGRICULTURE
☐ 620 FOOD & DRUG☐ 625 DRUG RELATED
SEIZURE OF
PROPERTY
21 USC 881☐ 630 LIQUOR LAWS☐ 640 RR & TRUCK☐ 650 AIRLINE REGS☐ 660 OCCUPATIONAL
SAFETY/HEALTH
☐ 690 OTHER

LABOR

☐ 710 FAIR LABOR
STANDARDS ACT☐ 720 LABOR/MGMT
RELATIONS☐ 730 LABOR/MGMT
REPORTING☐ & DISCLOSURE
ACT☐ 740 RAILWAY LABOR
ACT☐ 790 OTHER LABOR
LITIGATION☐ 791 EMPL. RET INC
SECURITY ACTACTIONS UNDER STATUTES
BANKRUPTCY☒ 422 APPEAL
28 USC 158☐ 423 WITHDRAWAL
28 USC 157

PROPERTY RIGHTS

☐ 820 COPYRIGHTS☐ 830 PATENT☐ 840 TRADEMARK

SOCIAL SECURITY

☐ 861 MIA (1395FF)☐ 862 BLACK LUNG (923)☐ 863 (DIWC (405(G)))☐ 863 (DIWW (405(G)))☐ 864 SSID TITLE
XVI☐ 865 RS1 (405(G))

FEDERAL TAX SUITS

☐ 870 TAXES☐ 871 IRS THIRD PARTY
26 USC 7609

OTHER STATUTES

☐ 400 STATE
REAPPORTIONMENT
☐ 410 ANTITRUST
☐ 430 BANKS AND BANKING☐ 450 COMMERCE/ICC
RATES/ETC
☐ 460 DEPORTATION☐ 470 RACKETEER
INFLUENCED & CORRUPT
ORGANIZATION ACT
(RICO)
☐ 810 SELECTIVE SERVICE☐ 850 SECURITIES/
COMMODITIES/
EXCHANGE☐ 875 CUSTOMER
CHALLENGE
12 USC 3410☐ 891 AGRICULTURAL ACTS☐ 892 ECONOMIC
STABILIZATION
ACT☐ 893 ENVIRONMENTAL
MATTERS☐ 894 ENERGY
ALLOCATION ACT☐ 895 FREEDOM OF
INFORMATION ACT☐ 900 APPEAL OF FEE
DETERMINATION
UNDER EQUAL ACCESS
TO JUSTICE☐ 950 CONSTITUTIONALITY OF
STATE STATUTES☐ 890 OTHER STATUTORY
ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23 ☐DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND ☐ YES ☐ NONOTE: Please submit at the time of filing an explanation of why cases are
deemed related.

Pg 2 of 2
ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Removed from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☒ 5 Transferred From (Specify District)
 U.S. Bankruptcy Court for the Southern District of N.Y.
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY
 IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | |
|--------------------------|--|---|--|---|--|
| CITIZEN OF THIS STATE | PTF DEF <input type="checkbox"/> <input type="checkbox"/> | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF <input type="checkbox"/> <input type="checkbox"/> | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF DEF <input type="checkbox"/> <input type="checkbox"/> |
| CITIZEN OF ANOTHER STATE | <input type="checkbox"/> <input type="checkbox"/> | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | <input type="checkbox"/> <input type="checkbox"/> | FOREIGN NATION | <input type="checkbox"/> <input type="checkbox"/> |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

245 Park Avenue, 27th Floor
 New York, New York, 10167
 New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Four Times Square,
 New York, New York 10036
 New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
 (DO NOT check either box if this is a PRISONER PETITION.)

DATE April 15, 2008
 SIGNATURE OF ATTORNEY OF RECORD 
 ADMITTED TO PRACTICE IN THIS DISTRICT
☐ NO
☒ YES (DATE ADMITTED Mo. 12 Yr. 1999)
 RECEIPT # _____ Attorney Bar Code # _____

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated

James M. Parkison, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)